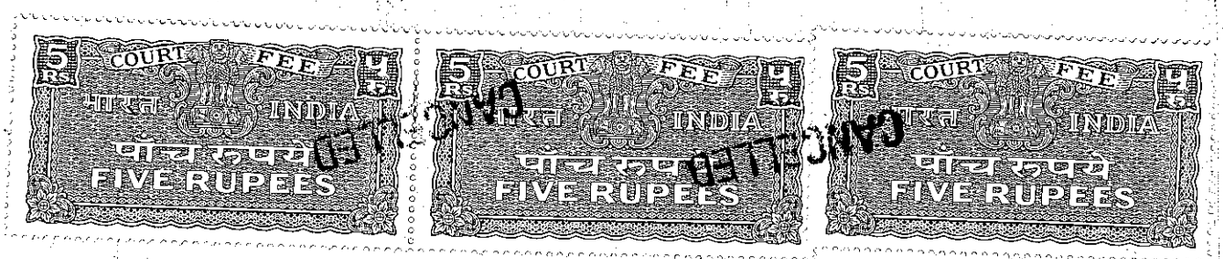

(B)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

Single Bench

CRIMINAL (M.P.) No. 08 /2006

PETITIONER Prakash Kumar Mandavi, S/o Shri Ajuram Mandavi, Gond, aged about- 32 years, Unemployed R/o.- Village Charbhatha, police Station- Kawardha, Tahsil Kawardha, District Kabirdham (C.G.).

3314/06
08/8/06
Filed on ..... Ajit Singh
by Shri ..... Advocate
08/8/06
R to D.R.(J)

VERSUS

RESPONDENTS

1) Deepak Kumar aged about 2 years, S/o not known, Miner through natural guardian Mother Chitrarekha Bai,

2) Chitrarekha Bai, aged about 20 years, Daughter of Dukaloo Gond, Both age R/o Charbhatha, Police Station Kawardha, Tahsil Kawardha, District Kabirdham (C.G.)

7.8.06

PETITION UNDER SECTION 482 OF THE CODE OF

CRIMINAL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(31)

आदेश पत्रक

मामला क्रमांक Cr. M.P. No. 08/ ..... सन् 2006

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14/08/2006

Ms. Madhu Modi, Counsel for the petitioner.

None for respondents.

Heard on admission and on M.Cr.P.No.1648/2006.

Both the respondents filed an application against the petitioner under Section 125 of the Cr.P.C., for grant of maintenance. Judicial Magistrate First Class, Kawardha, vide order dated 03/08/2005 passed in Miscellaneous Criminal Case No.74/2005 held that respondent No.2 – Chitrarekha Bai is not the legally married wife of petitioner, but respondent No.1 Deepak Kumar was born out of their illicit relation, therefore, allowed Rs.600/- per month towards maintenance to him.

Petitioner feeling aggrieved, challenged the order, in criminal revision. Additional Sessions Judge, Kabirdham, vide order dated 03/01/2006 passed in Criminal Revision No. 30/2005 after taking into consideration, evidence available on record, sustained the findings and order passed by the lower Court. Petitioner against whom final order has been passed by the revisional Court, has come up before this Court raising afresh those questions which he has already raised earlier in revision by filing the instant petition under Section 482 of the Cr.P.C.

In accordance with Sections 397(3) and 399(3) of the Cr.P.C., the order passed by the Court of Sessions in revision has become final against the petitioner and till it is shown that the order passed by Courts below is perverse or without jurisdiction, or there

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(32)

आदेश पत्रक

मामला क्रमांक Cr.M.P. No. 08 / सन् 2006

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

is any special circumstance for interfering with those orders, no interference under extra-ordinary powers of the Court is called for.

Here in the instant case, it is apparent that both the Courts below after due appreciation of the evidence have recorded concurrent findings so far it relates to relationship and entitlement for grant of maintenance. It is implicit that the finding of the Courts below has been challenged by this petition which is not permissible in accordance with law in the garb of petition under Section 482 of the Cr.P.C. The petitioner failed to demonstrate any circumstance legal or jurisdictional committed by both the Courts below calling for interference by this Court under Section 482 of the Cr.P.C., invoking its extraordinary power.

In the result, the petition under Section 482 of the Cr.P.C., is liable to be dismissed summarily and is accordingly dismissed in limine.

In the light of above order, M.Cr.P.No. 1648/2006 stands disposed of.

Sd//-
V.K.Shrivastava
Judge

Raju

(पीछे देखिये)